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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,969	07/25/2003	Kenneth E. Flick	58177	3941

27975 7590 03/09/2005

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EXAMINER	
SWARTHOUT, BRENT	
ART UNIT	**PAPER NUMBER**
2636	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/626,969	FLICK, KENNETH E.	
	Examiner	Art Unit	
	Brent A Swarthout	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-40 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-40 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 11-02-04 and 3-8-0.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

a. Claims 1-3,6,8,12-14,17,19-23,25,28-32,35,37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (407).

Hwang teaches a prealarm warning system comprising prealarm sensor (port b, Fig.1) for sensing low level security alert and prealarm emulator 102 for generating a signal on data communication line to alarm controller 103 to cause alert indicator 105 to generate a prealarm different than a full alarm (col.1, line 65- col.2, line 15). Although Hwang does not specifically state that data communication line between emulator 102 and alarm controller 103 is a bus, such would have been obvious to one of ordinary skill in the vehicle security communication art, since a bus is a well-known type of communication line in vehicle security communication systems.

Regarding claim 2, Hwang uses multi-stage sensor b since it gives a chirp alert for sensing one output and gives a full alert on sensing a different output (col. 2, lines 1-15).

Regarding claim 6, Hwang teaches use of motion sensor (Fig. 1).

Regarding claim 8, Hwang teaches use of siren 105.

Regarding claim 21, choosing to place system components in a housing would have been obvious in order to protect against tampering and environmental hazards.

2. Claims 4,15,26,33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (407) in view of Hwang (697).

Hwang (697) discloses desirability of making a prewarn alert shorter than a high level alert (col.2, lines 29-38). It would have been obvious to use a short prewarn alert in conjunction with a system as disclosed by Hwang (407) in order to notify parties that a vehicle was alarmed while still minimizing nuisance alerts of long duration.

3. Claims 5,7,16,18,24,27,34,36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (407) in view of Issa et al.

Issa teaches desirability of using prewarn alerts of lesser intensity than alarms for high levels of concern (col.3, lines 19-35,65-67), and for using a two-zone shock sensor, one zone for light touches and a second zone for heavy impacts (col.3, lines 20-25, 65-67).

It would have been obvious to use a lower volume alert for less hazardous conditions, and a two-zone shock sensor as suggested by Issa in conjunction with a system as disclosed by Hwang (407), in order to let a bystander know how serious an alert condition was, and in order to differentiate between minor bumps and serious shocks indicative of intrusion attempts.

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

b. Claims 9-11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-51, 1-44, 1-60, 1-64, 1-67, 1-30, and 1-59 of U.S. Patent No. s 6,392,534, 6,297,731, 6,275,147, 6,249,216, 6,243,004, 6,011,460 and 5,719,551, respectively, in view of Hwang (407). The various Flick reference4s all disclose using a set of signals for different vehicles or controllers with a common signal enabler, and bus learning device and download device.

It would have been obvious to use a signal enabler usable with plural systems as suggested by Flick in conjunction with a system as disclosed by Hwang, in order to allow usage of a prealarm system in a plurality of different types of vehicles with various components, and to allow the signals to be easily received and stored or learned for use.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suman and Ogino disclose vehicle security systems.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brent Swarthout

Brent A Swarthout
Examiner
Art Unit 2636

BRENT A. SWARTHOUT
PRIMARY EXAMINER